

PROCEEDINGS of CONVENTION.

1776.

prosecution be hereafter had or commenced for any breach committed of the same act; and that no prosecution already begun for any breach of the said act be further prosecuted.

Mr. Turbutt Wright has leave of absence.

On motion of Mr. Johnson, **RESOLVED**, That all justices of the peace and other officers, who were such of Frederick county, shall continue and may exercise the same power and authority as if the resolutions of this convention for dividing Frederick county into three counties had not passed; and the justices of the county court of Frederick, to be held in the month of November in this present year, or by adjournment, shall have cognizance of, and may proceed to hear and determine, all causes, matters and things, criminal and civil, although the same have arisen or shall arise in Washington or Montgomery county, in the same manner, and as fully, as the same court might or could have done if the said resolutions had never been made; and the justices aforesaid may appoint constables and overseers of the highways, as well in the said counties of Washington and Montgomery, as in Frederick county.

That the county court for each of the said counties of Washington and Montgomery shall be first held, as for separate and distinct counties, in the month of March next, and where any defendants against whom any original writ or process shall, after the first day of December next, issue, resides in Washington or Montgomery county, the writ or process shall issue out of Frederick county court, directed to the sheriff of the county where the defendant resides, if such county shall then have a sheriff qualified to act in that county separately, and if not to the sheriff of Frederick county, and shall be returnable and returned to the next March court to be held for the county where the defendant resides.

That the justices of Frederick county court aforesaid, may at their November court aforesaid, assess and levy on the taxable inhabitants of Washington and Montgomery counties, separately and respectively, such money or tobacco as the justices of the same counties might respectively have assessed at their November courts in this year, had the same been held.

On motion of Mr. Johnson, the question was put, That no poll be taken to fix or ascertain the place for building a court-house and prison in Montgomery county, until the expiration of twenty days at least after the first meeting of the general assembly? Resolved in the affirmative.

A F F I R M A T I V E.

Messrs. Barnes,	S. Chafe,	Stull,	Earle,	Edmondson,	George Scott,
Fenwick,	Paca,	J. T. Chafe,	T. Smyth,	Gibson,	Horsey,
Dent,	Carroll,	Archer,	Kent,	Mason,	Chaille,
Grahame,	Fischer,	Gilpin,	Bruff,	Dickinson,	Bishop,
J. Hall,	Edelen,	Ewing,	S. Wright,	Johnson,	Mitchell.
Worthington,	Beall,	D. Smith,			

N E G A T I V E.

Messrs. Parnham,	Bowie,	Hammond,	Williams,	Deye,	Bond,
Fitzhugh,	Sprigg,	J. Wilson,	Ridgely,	J. Smith,	Brevard.
J. Mackall,	Marbury,	Bayly,			

Adjourned till 3 o'clock.

P O S T M E R I D I E M.

Convention met.

In progression on reading the form of government, on motion of Mr. S. Chafe, the question was put, That all that part of the 56th article which follows in these words, be struck out? "And for filling in the first instance only all the offices in the disposition of the governor with the advice of the council, the house of delegates may also propose to the senate a list of all officers in the appointment of the governor with the advice of the council, and on the senate concurring therein, or in the recommendation of any of the persons therein mentioned, such persons so recommended shall be commissioned by the governor; but if the senate shall not concur in the recommendation of any of the persons proposed as aforesaid, then shall a joint ballot of both houses be taken in manner aforesaid, for persons to be recommended for such offices, and the persons in whose favour such ballot shall pass shall be commissioned as aforesaid." Carried in the negative.

A F F I R M A T I V E.

Messrs. Barnes,	Marbury,	Carroll,	Gilpin,	Earle,	Johnson,
Plater,	S. Chafe,	J. Smith,	D. Smith,	Kent,	George Scott,
B. Hall,	Paca,	J. T. Chafe,	Brevard,	Dickinson,	Chaille.

N E G A T I V E.

Messrs. Fenwick,	Bowie,	Bayly,	Stull,	Archer,	Gibson,
Dent,	Sprigg,	Williams,	Ridgely,	Ewing,	Mason,
Parnham,	Hammond,	Fischer,	Deye,	T. Smyth,	Gustavus Scott,
B. Mackall,	J. Hall,	Edelen,	Stevenson,	Bruff,	Horsey,
Grahame,	Worthington,	Shriver,	Bond,	S. Wright,	Bishop,
Fitzhugh,	J. Wilson,	Beall,	Love,	Edmondson,	Mitchell.
J. Mackall,					

Convention adjourns till to-morrow morning 9 o'clock.

F R I D A Y, November 8, 1776.

CONVENTION met. All members present as on yesterday, except Mr. T. Wright. The proceedings of yesterday were read. Mr. Hooe and Mr. Shepherd appeared in the house. Mr. Gustavus Scott and Mr. George Scott have leave of absence on account of particular private business. Mr. Gibson, Mr. Earle, and Mr. D. Smith, have leave of absence on account of sickness.

RESOLVED, That nine persons, five of whom to be on the western and four on the eastern shore, be elected by ballot a council of safety, and be and continue such until the general assembly shall make further order therein, and until that time, they or any four or more of them, having taken the oath prescribed by the December convention, shall have and exercise the like and same powers as the present council of safety had or might exercise under the resolutions of the several conventions heretofore held for this colony; and that the said council may convene the general assembly before the tenth day of February next, if in their judgment it shall be necessary.

On motion, **RESOLVED**, That the electors of the senate shall be entitled to the same itinerant charges and *per diem* allowance as members of convention.

On